GJM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 MAY 28 AM 11:01
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Docket No.
v.	COMPLAINT FOR VIOLATION OF:
Jose VILLA-Carranza, Defendant	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

'08 MJ 1680

The undersigned complainant, being duly sworn, states:

On or about **May 27, 2008** within the Southern District of California, defendant, **Jose VILLA-Carranza,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **MAY 2008**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose VILLA-Carranza

PROBABLE CAUSE STATEMENT

On May 27, 2008 at approximately 7:10 a.m., Border Patrol Agent A. Briseno was performing linewatch operations and responded to a call via service radio from the East Scope National Guard Operator. The scope operator advised him of one individual walking northbound in an area commonly known as the "Gravel Pit." This area is approximately two miles west of the San Ysidro, California Port of Entry and approximately 100 yards north of the United States/Mexico international border.

Agent Briseno responded to the area and observed the individual walking north. Agent Briseno approached the individual and identified himself as a Border Patrol Agent, and conducted an immigration inspection on the individual. The individual, later identified as the **defendant Jose VILLA-Carranza**, admitted to being a citizen and national of Mexico illegally in the United States, and did not possess any immigration documents that would allow him to legally enter or remain in the United States. The defendant was arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on June 16, 2005 through Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and that he was willing to answer questions without an attorney present. The defendant again freely admitted to being a citizen and national of Mexico and that he possessed no immigration documentation permitting him to enter or remain in the United States legally.